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Attorneys for Plaintiffs Laborers Trust Funds

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BOARD OF TRUSTEES OF THE  
LABORERS HEALTH AND WELFARE  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS VACATION-HOLIDAY  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA; and  
BOARD OF TRUSTEES OF THE  
LABORERS TRAINING AND RETRAINING  
TRUST FUND FOR NORTHERN  
CALIFORNIA,

Plaintiffs,

vs.

KURT ALBIN ERNST individually and doing  
business as ERNST MECHANICAL  
COMPANY, a California Company,

Defendants.

Case No.: CV 08 0355 PJH

**PLAINTIFFS' STATEMENT IN LIEU OF  
CASE MANAGEMENT CONFERENCE  
STATEMENT; (PROPOSED) ORDER  
THEREON**

Date: July 24, 2008  
Time: 2:30 p.m.  
Ctmm.: 3, 17<sup>th</sup> Fl.

Plaintiffs offer this Statement in Lieu of the Case Management Conference Statement.

On January 18, 2008, Plaintiffs filed their Complaint for Damages for Breach of  
Collective Bargaining Agreement and for a Mandatory Injunction ("Complaint") seeking to  
recover outstanding trust fund contributions on behalf of Defendants' covered employees.

1 Plaintiffs filed their Request for Clerk's Entry of Default Against Defendant which was  
2 subsequently vacated on stipulation of the parties on June 30, 2008. As part of the stipulation,  
3 Defendant was granted leave to file an Answer to the Complaint which was timely filed on  
4 July 2, 2008 on behalf of Kurt Albin Ernst, individually, and dba Ernst Mechanical Company.

5 **STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE**

6 Plaintiffs Board of Trustees of the Laborers Health and Welfare Trust Fund for Northern  
7 California, Board of Trustees of the Laborers Vacation-Holiday Trust Fund for Northern  
8 California, Board of Trustees of the Laborers Pension Trust Fund for Northern California and  
9 Board of Trustees of the Laborers Training and Retraining Trust Fund for Northern California  
10 ("Laborers Trust Funds") and Defendants Kurt Albin Ernst and Ernst Mechanical Company  
11 stipulate to and respectfully request that the court continue the Case Management Conference in  
12 this matter currently set for July 24, 2008 at 2:30 p.m. for a period of sixty (60) days.

13 The parties stipulated to and the court vacated the default judgment previously obtained  
14 by the Plaintiffs. In addition, Defendants were granted leave to file an answer to the complaint.  
15 Since the Plaintiffs are seeking an audit of the Defendants' business records to determine the  
16 full extent of the Defendants' obligation to the Plaintiffs, the parties believe that the additional  
17 60 days will allow Plaintiffs to conduct the requested audit and enter into preliminary settlement  
18 negotiations.

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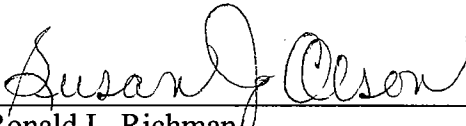
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1 Accordingly, the parties request that this court continue the Case Management  
2 Conference in this matter.

3 DATED: July 17, 2008

4 BULLIVANT HOUSER BAILEY PC

5  
6 By   
7 Ronald L. Richman  
Susan J. Olson

8 Attorneys for Plaintiffs Laborers Trust Funds

9 DATED: July 17, 2008

10 LAW OFFICES OF KENNETH D. ROBIN

11  
12 By \_\_\_\_\_/s/\_\_\_\_\_  
13 Kenneth D. Robin

14 Attorney for Defendants Kurt Albin Ernst,  
15 individually and dba Ernst Mechanical Company

16 **(PROPOSED) ORDER**

17 Good cause appearing, it is so ORDERED that the Case Management Conference  
18 currently set for July 24, 2008 at 2:30 p.m. is continued to \_\_\_\_\_, at  
19 2:30 p.m. in Courtroom 3, 17<sup>th</sup> Floor.

20 DATED: July \_\_\_, 2008

21  
22 By \_\_\_\_\_  
23 HON. PHYLLIS J. HAMILTON  
24 UNITED STATES DISTRICT COURT JUDGE